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**PUBLIC VERSION**

June 2, 2006

**BY CM/ECF AND HAND DELIVERY**

The Honorable Gregory M. Sleet  
United States District Court  
844 North King Street  
Wilmington, DE 19801

Re: NetRatings, Inc. v. Coremetrics, Inc.;  
Civ. No. 05-314 GMS

Dear Judge Sleet:

Please accept this letter as plaintiff NetRatings, Inc.'s ("NetRatings") request pursuant to Paragraph 8 of this Court's Scheduling Order for leave to file a motion for summary judgment of infringement respecting the asserted patents in the referenced action.<sup>1</sup> To illustrate the relatively straightforward nature of the infringement issues that make this case well suited to summary judgment, presented here are two examples of how defendant Coremetrics, Inc. ("Coremetrics") infringes two of the asserted patents. If permitted, NetRatings would file a summary judgment motion that would prove Coremetrics' infringement of the claims referred to here, as well as other claims from the asserted patents.

<sup>1</sup> The asserted patents are U.S. Patent Nos.: 5,675,510 (the "'510 patent"); 6,115,680 (the "'680 patent"); 6,138,155 (the "'155 patent"); 6,763,386 (the "'386 patent"); and 6,108,637 (the "'637 patent"). See Docket Item No. 75, Exs. A-E.

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**Present Stage of Proceedings**

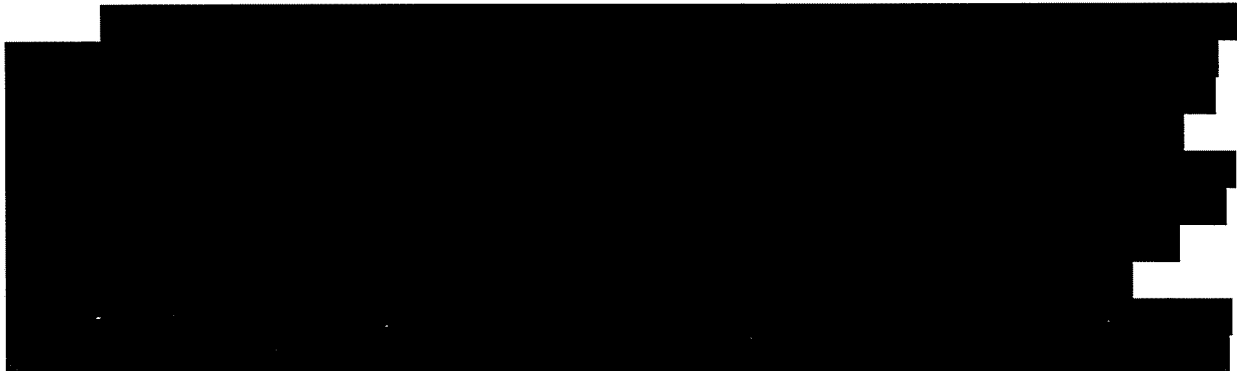
NetRatings filed this patent infringement action against Coremetrics on May 19, 2005. Coremetrics denied NetRatings' allegations, but discovery has shown Coremetrics' denials to be insupportable by competent evidence. Fact discovery has proceeded from the outset of this action in accordance with the Court's Scheduling Order.<sup>2</sup> The expert discovery period commences at the end of June 2006. Claim construction proceedings have been ongoing and the parties briefed their respective claim construction contentions and will appear before Your Honor on June 15, 2006 for a *Markman* hearing.<sup>3</sup>

**Brief Recitation of the Facts**

*A. Asserted Patents and the Parties*

An explanation of the asserted patents, and related technology and the parties and their industry has previously been presented in NetRatings' Opening *Markman* brief, filed on April 17, 2006. Docket Item No. 50. For efficiency, NetRatings respectfully refers the Court to that discussion.

*B. Coremetrics' Infringing Products*



**Coremetrics' Infringement of the  
Asserted Patents is Demonstrable on Undisputed Facts**

In the claim charts below, NetRatings illustrates Coremetrics' infringement of two of the claims from two of the asserted patents (the '637 and '386 patents). If permitted by the Court, NetRatings will show its entitlement to summary judgment on additional claims of these and other asserted patents, through Coremetrics' own documentation and computer code, and the

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<sup>2</sup> The parties' proposed order and stipulation extending fact deposition related deadlines through June 23, 2006 owing to scheduling difficulties was so ordered by the Court on May 26, 2006.

<sup>3</sup> While the Court has not yet made a claim construction ruling, and recognizing that the outcome of such ruling can impact on many aspects of the case, NetRatings believes that the infringement issues it will present in a summary judgment motion can be resolved largely independently of the claim construction issues raised by the parties.

<sup>4</sup> Excerpted pages of the Coremetrics' documents referred to herein are annexed hereto as Exhibits 1-3.

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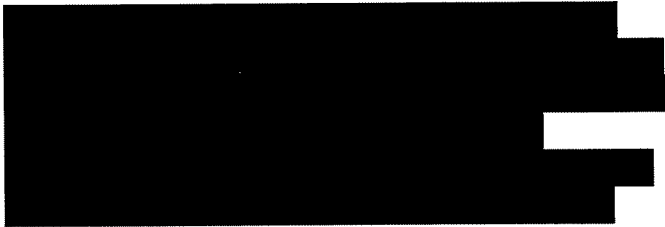
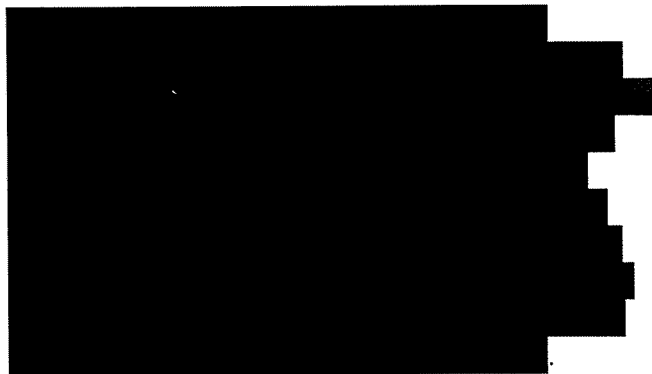
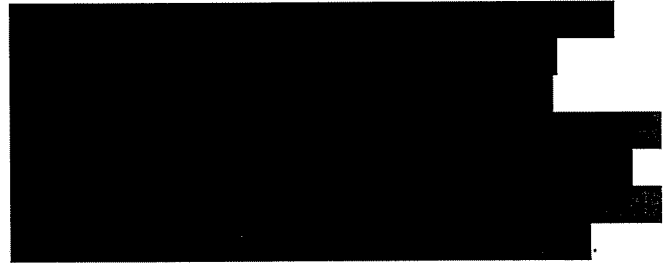
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testimony of Coremetrics' witnesses.

**A. Coremetrics' Infringement of Claim 30 of the '637 Patent**

'637 Patent, Claim 30	Coremetrics Infringing Products ("CIP")
A system for monitoring display at a content display site of content that is provided by a content provider site over a network to the content display site, wherein the network operates according to a protocol that enables new content to be transferred to a content display site in response to selection of a portion of content currently being displayed at the content display site, the system comprising:	
means for monitoring the display of content to produce monitoring information regarding display of the content; and	
means for transferring the means for monitoring from the content provider site to the content display site so that the means for monitoring operates at the content display site.	





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**B. Coremetrics' Infringement of Claim 1 of the '386 Patent**


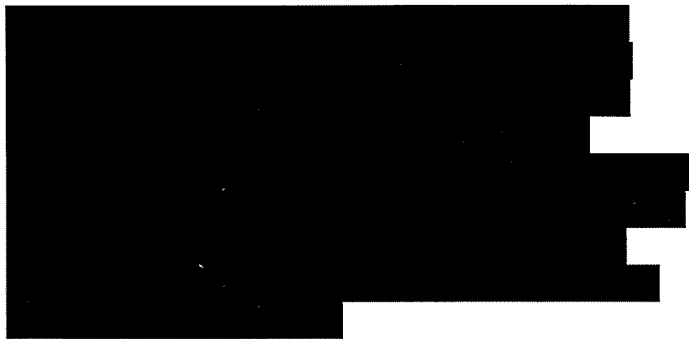
'386 Patent, Claim 1	Coremetrics Infringing Products ("CIP")
In a computer network comprising one or more servers and one or more clients, a method of monitoring interaction through a first client of the one or more clients with a first resource obtained by the first client from a first server of the one or more servers, the method comprising:	
downloading the first resource from the first server to the first client,	
downloading a tracking program from a server of the one or more servers to the first client, wherein the downloading of the first resource causes the downloading of the tracking program;	
executing the tracking program on the client computer to monitor interaction through the client computer with at least one of the first resource and one or more second resources, the one or more second resources having been obtained by the first client from a server of the one or more servers as a result of interaction through the first client with at least one of the first resource and a second resource of the one or more second resources;	

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'386 Patent, Claim 1	Coremetrics Infringing Products ("CIP")
storing resource use data associated with the monitored interaction;	
and communicating the resource use data to a server of the one or more servers.	

**CONCLUSION**

As demonstrated above, there is ample evidence in the record to support a motion for summary judgment of infringement of the two above-referenced sample claims. In support of its summary judgment motion, NetRatings will show that it is entitled to summary judgment regarding such claims, as well as with respect to many other claims of each of the asserted patents. Therefore, plaintiff NetRatings respectfully requests that the Court grant it leave to seek summary judgment on the issue of defendant Coremetrics infringement of the asserted patents.

Respectfully submitted,

*/s/ Karen E. Keller*

Karen E. Keller (I.D. No. 4489)

KEK:mcm

Attachments

cc: Clerk, U.S. District Court (By E-Filing and Hand Delivery)  
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 Nitin Subhedar, Esq. (Counsel for Coremetrics, Inc.; By E-mail and First Class Mail)  
 Matthew C. Lapple, Esq. (Counsel for Coremetrics, Inc.; By E-mail and First Class Mail)